



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Daniel T. Colbert et al.

For: MACROSCOPICALLY MANIPULABLE
NANOSCALE DEVICES MADE FROM
NANOTUBE ASSEMBLIES

Atty Dkt: 11321-P011C1D6

§ Serial No: 10/027,670
§
§ Filed: December 21, 2001
§
§ Group Art Unit: 2881 (anticipated)
§
§ Prior Examiner: Jack I. Berman
§ 703.308.4849

U.S. Patent and Trademark Office
Office of Petitions
Washington, D.C. 20231

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10/02/02 Date	<u>Denise D. Sadberry</u> Signature
	<u>Denise D. Sadberry</u> Printed Name

**PETITION IN RESPONSE TO
NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

Sir:

This paper is submitted in response to a Notice of Incomplete Nonprovisional Application ("the Notice") (copy attached) dated August 12, 2002 in connection with the above-referenced application and is accompanied by a petition fee payment pursuant to 37 C.F.R. § 1.17(h). If the fee payment is missing or insufficient in amount, or if any other fees are determined to be due, the Assistant Commissioner, Commissioner, and/or the Director of the U.S. Patent & Trademark Office is/are hereby authorized to charge any such fees (or credit any overpayment) to Winstead Sechrest & Minick Deposit Account No. 23-2426, referencing matter number 11321-P011C1D6.

10/04/2002 BSAYASI1 00000069 10027670

01 FC:122

130.00 OP

RESPONSE

The Notice alleges that the application was deposited without drawings. Assignee

respectfully challenges this assertion, and suggests that the Notice was issued in error.

Adjustment date: 11/05/2002 AKELLEY
10/04/2002 BSAYASI1 00000069 10027670
01 FC:1460 -130.00 OP
Repln. Ref: 11/05/2002 AKELLEY 0010033300
DAH:232426 Name/Number:10027670
FC: 9204 \$130.00 CR

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The subject application was filed concurrently with the filing of ten divisional applications on December 21, 2001; each of these filings being identical except that a different Preliminary Amendment was submitted concurrently with each filing. Assignee notes that in none of the other cases was a Notice of Incomplete Nonprovisional Application issued.

A complete copy set of all of the papers constituting the subject application as filed on December 21, 2001 accompanies this Petition. A copy of the Return Receipt Postcard evidencing the December 21, 2001 filing of this application is also enclosed. It is to be noted that the Return Receipt Postcard indicates the inclusion of 14 sheets of drawings, as does the Utility Patent Application Transmittal (Form PTO/SB/05) and the Application Data Sheet.

PETITION

In view of the foregoing, Assignee hereby petitions for withdrawal of the Notice of Incomplete Nonprovisional Application, inasmuch as it is believed that the Notice was issued in error. A check in the amount of \$130.00, pursuant to 37 C.F.R. § 1.17(h) accompanies this Petition.

* * * * *

CONCLUSION

It is believed that the application as a whole is in proper form and condition for allowance. Examination and allowance of the application is respectfully requested.

Respectfully submitted,

Date: 2-OCT-2002

Hugh R. Kress

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